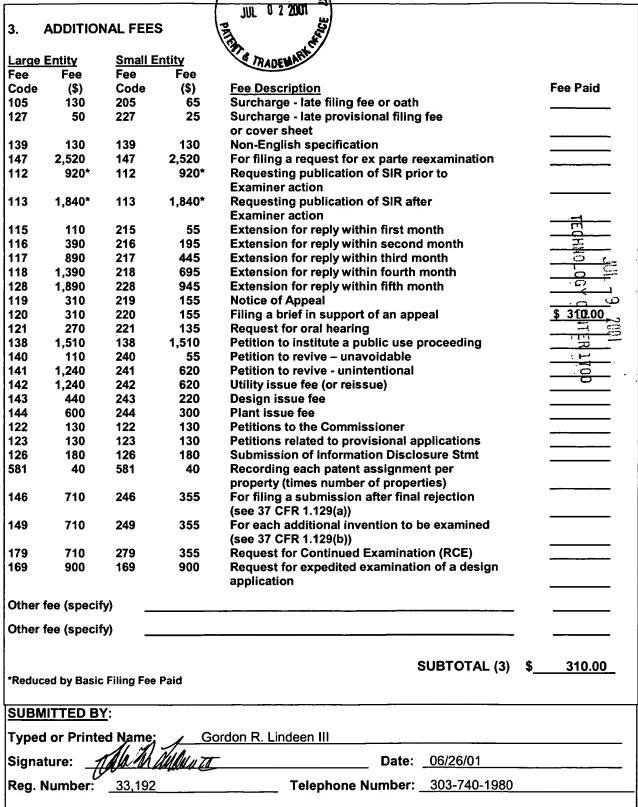


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Patent

THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re tl	ne Paten	t Application of:)		RECEIVED	
		Shah-Nazaroff et al.)		JUL 0 9 2001	
Serial No.:		09/183,282) A	Art Unit: 2172	Technology Center 210	
Filed:		October 30, 1998)	Examiner: Colbert, E.		
For:		OD AND APPARATUS FOR SEARCHING JGH AN ELECTRONIC PROGRAMMING)))) _)	TECHNOLO JUL PEC		

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

APPEAL BRIEF IN SUPPORT OF APPELLANT'S APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicants (hereafter "Appellant") hereby submits this Brief in triplicate in support of its appeal from a final decision by the Examiner, mailed June 25, 2001 in the above-captioned case. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

An oral hearing is not desired.

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I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052-8119.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

III. STATUS OF THE CLAIMS

Claims 1-33 are currently pending in the above-referenced application. No claims have been allowed. Claims 1-27 were rejected in the Final Office Action mailed February 12, 2001, and are the subject of this appeal.

Claims 1-27 stand rejected under 35 U.S.C. § 103(a).

IV. STATUS OF AMENDMENTS

Claims 28-33 were added and submitted in response to the Final Office Action mailed on February 12, 2001, rejecting claims 1-27. A copy of all claims on appeal is attached hereto as Appendix A.

V. SUMMARY OF THE INVENTION

Present cable and satellite television services can provide more than one hundred different entertainment channels for immediate viewing. For any one person, the choices can be increased further by including a personal video and music library. With so many choices, it can be difficult to find what one is looking for.

The electronic program guide (EPG) has been developed as the solution to distributing an accurate guide and also helping the viewer find an entertainment program. The conventional EPG allows the viewer to scroll vertically through channels, usually in numerical order and to scroll horizontally across time slots into future and past programs. In more advanced EPGs, the viewer can restrict the display to certain categories (e.g. sports, movies, news, children etc.). Systems have also been proposed which allow the viewer to conduct a search of the EPG for letters or words in the titles of programs.

The present invention goes beyond title searches to provide viewers with a faster, easier, and more powerful way to find programs even when the channel, time slot, and title are not known. It does so by using selectable identifiers. The specification provides an example of the invention using the movie The Fugitive starring Harrison Ford.

Briefly, in this example, the present invention allows a viewer to select, for example, a current playing or future playing movie or television title (See Fig. 6). Upon selecting The Fugitive, a short synopsis of the movie along with its main actors, rating, and genre is displayed (See Fig. 7). This display includes three selectable identifiers 711, 712, and 713. By selecting the one for Harrison Ford (712), the system searches a plurality of sources of information for all of the programs starring Harrison Ford. The results of the search are displayed in a second display area (See Fig. 8). (See Application page 18 line 16 – page 19 line 13 and Figure 10).

Claim 1 is directed to a method for managing entertainment system data. It does so by first "obtaining a record corresponding to the first entertainment selection," in the previous example, this would be the general listing of shows, times, and channels, from

which a viewer might initially select The Fugitive for more information. (See Application page 15 lines 21-27 – page 16 lines 1-7). Once The Fugitive has been selected, its information - movie synopsis, main actors, rating, and genre - is displayed on a display device, corresponding to "presenting a first set of entertainment system data in the obtained record corresponding to the first entertainment selection on a display device" in claim 1. (See Application page 16 lines 12-18 and Figure 7). This display of information about The Fugitive will contain at least one "selectable identifier corresponding to the first set of entertainment system data on the display device." (See Application page 16 lines 17-24 and Figure 7 reference nos. 711-713). Now if, for example, the viewer wishes to see what other movies are playing or going to be played starring Harrison Ford, she can select "Harrison Ford" (selectable identifier 712 in Figure 7) and a search will be performed "for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data...." (See Application page 17 lines 3-12 and Figure 8 reference no. 720). Finally, the result of this search will be presented on the display device as shown in Figure 8.

Claim 6, is a Beauregard claim based on claim 1.

Claim 11 is directed to a system control agent that comprises a data parser, a data engine, and a query interface. (See Figure 3). The system control agent 310 receives entertainment system data from a plurality of sources. (See Application page 10 line 8-page 11 line 12). This data is then formatted by the data parser "into an identifier portion and a data portion." (See Application page 11 line13 - page 12 line 9). The formatted entertainment system data is then sent to "a data engine, coupled to the data parser, that stores the entertainment system data into a database according to corresponding entertainment selections." (See Application page 12 lines 10-24 and Figure 4). Once the data is stored, it can be made accessible to the viewer. This is done through "a query interface, coupled to the database, that configures a graphical user interface (GUI) having

an identifier corresponding to a first set of entertainment system data of a first entertainment selection, the identifier being selectable to display a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data," the result of which is shown in Figures 6, 7, and 8. (See Application page12 line 25 – page 13 line 22).

Claim 12 is dependent on claim 11 and describes the claimed query interface. It is composed of a user interface unit, a database interface unit, and a synopsis box building unit. (See Figure 9 reference nos. 910, 920, and 930). The user interface unit "receives an identity of the identifier selected" by communicating with the wireless communication interface unit (See Figure 2 reference no. 234) according to an embodiment of the present invention. (See Application page 17 lines 16-21). The database interface unit is "coupled to the user interface" and it receives an identity of the selectable identifier that was selected by the viewer (Harrison Ford in our example) and "searches the database for the second entertainment selection having the corresponding second set of entertainment system data related to the first set of entertainment system data." (See Application page 17 lines 22-26). Once the search is complete, the data is sent to a synopsis box building unit that is "coupled to the database interface unit" and "displays the identity of the second entertainment selection on a display device" as shown in Figure 8. (See Application page 18 lines 1-15 and Figures 8 and 9).

Claim 13 is directed to a computer system comprising "a bus; a processor coupled to the bus; [and] a system control agent [(claim 11)], coupled to the bus...." (See Application page 7 line 1 - page 9 line 23 and Figure 2).

Claim 15 is directed to a graphical user interface (GUI) used to display a "first set of entertainment system data corresponding to a first entertainment system selection [The Fugitive in our example], an identifier corresponding to the first set of entertainment system data of the first entertainment selection [Harrison Ford in our example], being selectable to generate a synopsis box that displays a second set of entertainment system

data of a second entertainment selection, [and] the second set of entertainment system

data being related to the first set of entertainment system data [the listing of movies being

broadcast starring Harrison Ford as shown in Figure 8]." (See Application page 15 line

21 - page 17 line 12).

VI. <u>ISSUES PRESENTED</u>

Whether claims 1-10 and 16-23 are unpatentable under 35 U.S.C. 103(a) over

Youman et al. (US 5,629,733).

Whether claims 11-15 and 24-27 are unpatentable under 35 U.S.C. 103(a) over

Cohen et al (US 5,999,934).

VII. GROUPING OF CLAIMS

For the purposes of this appeal, claims 1-10 and 18, 19, 22, and 23 stand or fall

together, claims 15, 26, and 27 stand or fall together, claims 11-14 and 25 stand or fall

together, and claims 16, 17, 20, 21, and 24 stand or fall together.

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VIII. ARGUMENT

A. REJECTION OF CLAIMS 1-10 AND 18, 19, 22, 23 UNDER 35 USC §103(a) IS IMPROPER BECAUSE YOUMAN FAILS TO TEACH OR SUGGEST "PERFORMING A SEARCH FOR A SECOND ENTERTAINMENT SELECTION HAVING A CORRESPONDING SECOND SET OF ENTERTAINMENT SYSTEM DATA RELATED TO THE FIRST SET OF ENTERTAINMENT SYSTEM DATA WHEN A SELECTABLE IDENTIFIER IS SELECTED."

The Examiner has rejected claims 1-10, 18, 19, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,629,733 of Youman et al. ("Youman"). On independent claim 1, the Examiner and Applicants agree that Youman does not explicitly teach "performing a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data when a selectable identifier is selected." However, the Examiner asserts that to implement the performance of a search for a second selection corresponding to the first selection would have been obvious because it was well known in the art for a user to select a movie and then have a second selection by the same actor displayed. Applicants respectfully disagree.

In Youman, an information ("i") key is used to view additional stored program information (a first set of entertainment system data), "generally comprising a textual description of program content and/or other information...such as the names of the cast members and the like...." (See Youman, col. 18 lines 2-6). (This information is analogous to the information for The Fugitive given in the previous example of the present invention (Figure 7)). Youman does not teach or suggest searching this additional program information (first set of entertainment system data) for a second

entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data (i.e. the broadcasted movies or television shows starring Harrison Ford in the previous example of the present invention). Further, Applicants submit that absent the search described above, Youman necessarily also does not teach "presenting a result of the search on the display device."

The Examiner has the burden of establishing a prima facie case of obviousness. The Examiner has failed to show any suggestion or motivation in the cited reference that makes the present invention obvious, and the Examiner has further stated that a "suggestion/motivation need not be expressly stated in one of all of the references used to show obviousness." However, an obviousness determination must be made in view of the whole invention, "including whether the prior art provides any teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the patentee's ... device," including what could be characterized as simple changes. *In re Chu*, 66 F.3d 292, 298 (Fed. Cir. 1995), citing *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984) (Although a prior art device could have been turned upside down, that did not make the modification obvious unless the prior art fairly suggested the desirability of turning the device upside down).

As previously discussed, Youman does not teach or suggest that it would be desirable to perform "a search for a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data when a selectable identifier is selected." What's more, the Examiner's statement that such a search would have been obvious because it was well known in the art for a user to select a movie and then have a second selection by the same actor displayed is not the required "convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 U.S.P.Q. 972. Accordingly, the reference cannot

render obvious Applicants' invention as claimed in claim 1, and Applicants respectfully request the withdrawal of the rejection of the claim under 35 U.S.C. §103(a) over Youman.

B. REJECTION OF CLAIMS 11-14 AND 25 UNDER 35 USC §103(a) IS
IMPROPER BECAUSE COHEN DOES NOT TEACH OR SUGGEST A
QUERY INTERFACE, DATA ENGINE, OR A GRAPHICAL USER
INTERFACE (GUI), SPECIFICALLY, COHEN FAILS TO TEACH A
QUERY INTERFACE WITH AN IDENTIFIER "SELECTABLE TO
DISPLAY A SECOND ENTERTAINMENT SELECTION HAVING A
CORRESPONDING SECOND SET OF ENTERTAINMENT SYSTEM
DATA RELATED TO THE FIRST SET OF ENTERTAINMENT SYSTEM
DATA."

The Examiner has rejected claims 11-14 and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,999,934 of Cohen et al. ("Cohen"). On independent claim 11, the Examiner acknowledges that Cohen does not teach a query interface, data engine, or a graphical user interface (GUI). While the Examiner asserts that these features are obvious, there is no suggestion of providing such features in the cited references.

Applicants submit that Cohen does not teach a query interface with an identifier "selectable to display a second entertainment selection having a corresponding second set of entertainment system data related to the first set of entertainment system data." Nor does Cohen teach the second set of entertainment system data being obtained through the database interface unit of claim 12 which "searches the database for the second entertainment selection having the corresponding second set of entertainment system data related to the first set of entertainment system data." The section relied upon by the

Examiner shows only a hierarchical category/subcategory numbering system. The user merely selects a category, then a subcategory to view information. The data viewed is already stored within the database memory, and no actual search is performed to retrieve the data (Cohen, col. 10 line 46 – col. 11 line 30).

On the other hand, the present invention presents a selectable identifier from which a search of a "plurality of different sources" is initiated, when the identifier is selected, in order to compile the "corresponding second set of entertainment system data." Finally, the Examiner has failed to present "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references," as provided for in *Ex parte Clapp*, 227 U.S.P.Q. 972. The Examiner has also failed to meet the standard set forth in *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999), that a "showing of a suggestion or motivation must be clear and particular," since not only does the reference not teach or suggest a search of different sources, but it goes on to express the advantages of doing without such a search and merely relying upon database data already stored within a database memory. (Cohen, col. 11 lines 26-29). Accordingly, the reference cannot render obvious Applicants' invention as claimed in claim 11, and Applicants respectfully request the withdrawal of the rejection of the claim under 35 U.S.C. §103(a) over Cohen.

C. REJECTION OF CLAIMS 15, 26, AND 27 UNDER 35 USC §103(a) IS
IMPROPER BECAUSE COHEN DOES NOT TEACH OR SUGGEST A
GRAPHICAL USER INTERFACE (GUI) WHICH CREATES A SYNOPSIS
BOX TO DISPLAY INFORMATION OBTAINED FORM THE SEARCH
FOR A SECOND SET OF ENTERTAINMENT SYSTEM DATA WHEN
AN IDENTIFIER CORRESPONDING TO THE FIRST SET OF
ENTERTAINMENT SYSTEM DATA IS SELECTED.

The Examiner has rejected claims 15, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,999,934 of Cohen et al. ("Cohen"). On claim 15, the Examiner acknowledges that Cohen does not teach a graphical user interface (GUI), but asserts that it would have been obvious to a person of ordinary skill in the art of entertainment systems. However, the Examiner shows no suggestion of such features being provided in the cited references. In Cohen the user can scroll up or down to view information obtained from the database. No search is done to get the information as discussed previously. The data is simply displayed on the screen as it is retrieved while the viewer scrolls up or down. The present invention provides for a search for a second set of entertainment system data when an identifier corresponding to the first set of entertainment data, and is displayed on the display device via the graphical user interface. The GUI of the present invention must generate a synopsis box in order to display the data. The display in Cohen is simply putting information on a screen. No synopsis box is generated, and no selectable identifier is displayed or used to run a search for data.

Cohen's suggestion against searching for information was discussed previously. It follows that if no search is done, no information resulting from such search can be displayed on the display device. The display in Cohen is not generated by a GUI that must first create a synopsis box to house the resulting search information. It merely displays the information pulled from the storage of data in a database memory. The Examiner has made no argument or presented "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Therefore, prima facie obvious has not been established. Accordingly, the reference cannot render obvious Applicants' invention as claimed in claim 15, and Applicants respectfully request the withdrawal of the rejection of the claim under 35 U.S.C. §103(a) over Cohen.

D. REJECTION OF CLAIMS 16, 17, 20, 21, AND 24 UNDER 35 USC §103(a) IS IMPROPER BECAUSE YOUMAN FAILS TO TEACH OR SUGGEST, "PERFORMING A SEARCH OF RECORDS OF ENTERTAINMENT SYSTEM DATA RECEIVED FROM A PLURALITY OF DIFFERENT SOURCES."

The Examiner has rejected claims 16, 17, 20, 21, and 24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,629,733 of Youman et al. ("Youman"). On claim 16, the Examiner acknowledges that Youman does not teach, "performing a search of records of entertainment system data received from a plurality of different sources." However, the Examiner asserts that it would have been obvious to implement a search of records of entertainment system data from different sources because the term data can be interpreted broadly to include all forms of information. Applicants respectfully disagree. Examiner has failed to provide a reference that teaches or suggests, "performing a search of records of entertainment system data received from a plurality of different sources." Accordingly, the reference cannot render obvious Applicants' invention as claimed in claim 16, and Applicants respectfully request the withdrawal of the rejection of the claim under 35 U.S.C. §103(a) over Youman.

VII. <u>CONCLUSION</u>

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted in triplicate, along with a check for \$300.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayment to out Deposit Account No. 02-2666.

Docket No.: 42390.P6489

Application No.: 09/183,282

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: <u>06/26/01</u>

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1. 1 (Unchanged) A method for managing entertainment system data, comprising: 2 obtaining a record corresponding to a first entertainment selection; 3 presenting a first set of entertainment system data in the obtained record 4 5 corresponding to the first entertainment selection on a display device; 6 presenting a selectable identifier corresponding to the first set of entertainment system data on the display device; 7 8 performing a search for a second entertainment selection having a 9 corresponding second set of entertainment system data related to the first set of 10 entertainment system data when the selectable identifier is selected; and 11 presenting a result of the search on the display device. 2. 1 (Unchanged) The method of Claim 1, wherein obtaining the record 2 comprises referencing an entertainment selection identifier of the first entertainment selection in a database. 3 3. (Unchanged) The method of Claim 1, wherein presenting the selectable 1 identifier comprises generating an identifier that is distinguishable from non-selectable 2 3 text. 4. 1 (Unchanged) The method of Claim 1, wherein performing the search 2 comprises searching a database for the entertainment system data related to the first set of entertainment system data. 3

5. (Unchanged) The method of Claim 1, wherein presenting the result of the search comprises displaying the result of the search in a synopsis box on the display device.

6. (Unchanged) A computer-readable medium having stored thereon a sequence of instructions, the sequence of instructions including instructions which, when executed by a processor, causes the processor to perform operations comprising:

obtaining a record corresponding to a first entertainment selection;

presenting a first set of entertainment system data in the obtained record corresponding to the first entertainment selection on a display device;

presenting a selectable identifier corresponding to the first set of entertainment system data on the display device;

performing a search for a second entertainment selection having a

corresponding second set of entertainment system data related to the first set of entertainment system data when the selectable identifier is selected; and presenting a result of the search on the display device.

- 7. (Unchanged) The computer-readable medium of Claim 6, wherein obtaining the record comprises referencing an entertainment selection identifier of the first entertainment selection in a database.
- 8. (Unchanged) The computer-readable medium of Claim 6, wherein presenting the selectable identifier comprises generating an identifier that is distinguishable from non-selectable text.

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- 9. (Unchanged) The computer-readable medium of Claim 6, wherein performing the search comprises searching a database for entertainment system data related to the first set of entertainment system data.
- 1 10. (Unchanged) The computer-readable medium of Claim 6, wherein 2 presenting the result of the search comprises displaying the result of the search in a 3 synopsis box on the display device.
- 1 11. (Unchanged) A system control agent, comprising:
- a data parser that formats entertainment system data into an identifier
 portion and a data portion;
- a data engine, coupled to the data parser, that stores the entertainment
 system data into a database according to corresponding entertainment selections; and
 a query interface, coupled to the database, that configures a graphical user
 interface (GUI) having an identifier corresponding to a first set of entertainment system
 data of a first entertainment selection, the identifier being selectable to display a second
 entertainment selection having a corresponding second set of entertainment system data
 related to the first set of entertainment system data.
- 1 12. (Unchanged) The system control agent of Claim 11, wherein the query 2 interface comprises:
- a user interface unit that receives an identity of the identifier selected;

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4	a database interface unit, coupled to the user interface, that searches the
5	database for the second entertainment selection having the corresponding second set of
6	entertainment system data related to the first set of entertainment system data; and
7	a synopsis box building unit, coupled to the database interface unit, that
8	displays the identity of the second entertainment selection on a display device.
1	13. (Unchanged) A computer system, comprising:
2	a bus;
3	a processor coupled to the bus;
4	a system control agent, coupled to the bus, that includes a data parser that
5	formats entertainment system data into an identifier portion and a data portion, a data
6	engine that stores the entertainment system data into a database according to
7	corresponding entertainment selections, a query interface that configures a graphical user
8	interface (GUI) having an identifier corresponding to a first set of entertainment system
9	data of a first entertainment selection, the identifier being selectable to display a second
10	entertainment selection having a corresponding second set of entertainment system data
11	related to the first set of entertainment system data.
1	14. (Unchanged) The computer system of Claim 13, wherein the query
2	interface comprises:
3	a user interface unit that receives an identity of the identifier selected;
4	a database interface unit, coupled to the user interface, that searches the
5	database for the second entertainment selection having the corresponding second set of
6	entertainment system data related to the first set of entertainment system data; and

- a synopsis box building unit, coupled to the database interface unit, that
- 8 displays the identity of the second entertainment selection on a display device.
- 1 15. (Unchanged) A graphical user interface (GUI), comprising:
- a first set of entertainment system data corresponding to a first
- 3 entertainment system selection;
- an identifier corresponding to the first set of entertainment system data of
- 5 the first entertainment selection, the identifier being selectable to generate a synopsis box
- 6 that displays a second set of entertainment system data of a second entertainment
- 7 selection, the second set of entertainment system data being related to the first set of
- 8 entertainment system data.
- 1 16. (Unchanged) The method of Claim 1, wherein performing the search
- 2 comprises performing a search of records of entertainment system data received from a
- 3 plurality of different sources.
- 1 17. (Unchanged) The method of Claim 1, wherein the entertainment selections
- 2 are selected from the group comprising programs, music selections, software
- 3 applications, files, and Internet broadcasts.
- 1 18. (Unchanged) The method of Claim 1, wherein performing the search
- 2 comprises performing a search in accordance with instructions stored with the first set of

V

3 entertainment system data to find other entertainment selections.

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- 1 19. (Unchanged) The method of Claim 1, wherein the second set of
- 2 entertainment data is related to the first set of entertainment data in that an item of data
- 3 corresponding to the same trait is the same in both sets of data.
- 1 20. (Unchanged) The computer-readable medium of Claim 6, wherein
- 2 performing the search comprises performing a search of records of entertainment system
- data received from a plurality of different sources.
- 1 21. (Unchanged) The computer-readable medium of Claim 6, wherein the
- 2 entertainment selections are selected from the group comprising programs, music
- 3 selections, software applications, files, and Internet broadcasts.
- 1 22. (Unchanged) The computer-readable medium of Claim 6, wherein
- 2 performing the search comprises performing a search in accordance with instructions
- 3 stored with the first set of entertainment system data to find other entertainment
- 4 selections.
- 1 23. (Unchanged) The computer-readable medium of Claim 6, wherein the
- 2 second set of entertainment data is related to the first set of entertainment data in that an
- 3 item of data corresponding to the same trait is the same in both sets of data.
- 1 24. (Unchanged) The system control agent of Claim 11, wherein the
- 2 entertainment system data is received from a plurality of different sources.

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- 1 25. (Unchanged) The system control agent of Claim 12, wherein the database
- 2 interface unit searches the database in accordance with instructions that it retrieves from
- 3 storage with the first set of entertainment system data.
- 1 26. (Unchanged) The GUI of Claim 15, further comprising non-selectable text
- 2 corresponding to entertainment system data of the first entertainment selection.
- 1 27. (Unchanged) The GUI of Claim 26, wherein the selectable identifier is
- 2 presented so that it is distinguishable from non-selectable text.

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